



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Dan Barnes
K9King, LLC
707 12th Street Northeast
Ruskin, Florida 33570
dan@k9king.com

Re: K9King, LLC
FIFRA Notice of Warning
Case File No. FIFRA-04-2022-0810

Dear Mr. Barnes:

The U.S. Environmental Protection Agency has obtained evidence indicating that K9King, LLC (K9King) appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On November 13, 2020, an authorized representative of the EPA conducted an inspection at K9King located at 707 12th Street Northeast, Ruskin, Florida 33570 to determine compliance with FIFRA and the regulations promulgated thereunder.

The inspection revealed that the K9King produces ten products, (1) "Bed Bug Interceptors 4 pack"; (2) "Bed Bug Interceptors White Pack"; (3) "Trapbedbugs Bed Bug 12 Pack"; (4) "Bed Bug Interceptors"; (5) "Bed Bug Interceptors 4 Pack White"; (6) "Trapbedbugs Bed Bug"; (7) "Bed Bug Insect Interceptor"; (8) "Bed Bug Interceptors and Bed Bug Traps"; (9) "Trapbed Bugs XL Bed Bug Trap 4 Pack White"; (10) "K9King XL Bed Bug Trap 4 Pack". The EPA determined the claims found on the labels showed that the products are "pesticide devices" as that term is defined by Section 2(h) of FIFRA, 7 U.S.C. 136h, in that they are instruments intended for destroying pests. Specifically, the labeling for all the products outlined above state "trap bedbugs."

At the time of the inspection, the pesticide devices appeared to include a false or misleading claim. False and misleading claims included but were not limited to, "Use no chemicals, talc, baits or pesticides." Pursuant to Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), a pesticide is "misbranded" if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular. As set forth in Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136(j)(1)(F), it is unlawful for any person in any State to distribute or sell to any person any pesticide device which is misbranded.

In response to the potential violation of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to K9King, LLC pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of

the company submits a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the filing of a complaint and the assessment of a civil penalty. Your statement should be submitted to:

Kimberly Tomczak
Pesticides Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence, or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak, of my staff, at (404) 562-8987 or by email at tomczak.kimberly@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch